

Shore Regional High School District Board of Education
5512.01. HARASSMENT, INTIMIDATION, AND BULLYING (HIB)

Current Revision: September 2011

5512.01-HARASSMENT, INTIMIDATION AND BULLYING (HIB)

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POLICY

Shore Regional High School District Board of Education
5512.01. HARASSMENT, INTIMIDATION, AND BULLYING (HIB)

Current Revision: September 2011

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I. HIB Prohibition Statement:

The Board of Education prohibits acts of harassment, intimidation, or bullying of a pupil. A safe and civil environment in school is necessary for pupils to learn and achieve high academic standards. Harassment, intimidation, or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a pupil's ability to learn and a school's ability to educate its pupils in a safe and disciplined environment. Since pupils learn by example, school administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation, or bullying.

II. HIB Defined:

“Harassment, intimidation, or bullying” means any gesture, any written, verbal or physical act, or any electronic communication, as defined in N.J.S.A. 18A:37-14, whether it be a single incident or a series of incidents that:

1. Is reasonably perceived as being motivated by either any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability; or

2. By any other distinguishing characteristic; and that

(a) Takes place on school property, at any school-sponsored function, on a school bus, or off school grounds, as provided for in N.J.S.A. 18A:37-15.3, that substantially disrupts or interferes with the orderly operation of the school or the rights of other pupils; and that

(b) A reasonable person should know, under the circumstances, that the act(s) will have the effect of physically or emotionally harming a pupil or damaging the pupil's property, or placing a pupil in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or

(c) Has the effect of insulting or demeaning any pupil or group of pupils; or

(d) Creates a hostile educational environment for the pupil by interfering with a pupil's education or by severely or pervasively causing physical or emotional harm to the pupil.

["Electronic communication" means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager.]

III. Student Expectations:

1. The Board expects pupils to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with proper regard for the rights and welfare of other pupils and school staff, the education purpose underlying all school activities and the care of school facilities and equipment consistent with the code of pupil conduct.

2. The Board believes that standards for pupil behavior must be set cooperatively through interaction among the pupils, parent(s) or legal guardian(s), staff and community members, producing an atmosphere that encourages pupils to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school district and community property on the part of pupils, staff and community members.

3. Pupils are expected to behave in a way that creates a supportive learning environment. The Board believes the best discipline is self-imposed, and it is the responsibility of staff to use instances of violations of the Code of Pupil Conduct as opportunities to help pupils learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with pupils shall apply best practices designed to prevent pupil conduct problems and foster pupils' abilities to grow in self-discipline.

4. The Board expects that pupils will act in accordance with the pupil behavioral expectations and standards regarding harassment, intimidation, and bullying, including:
 - (a) Pupil responsibilities (e.g., requirements for pupils to conform to reasonable standards of socially accepted behavior; respect the person, property and rights of others; obey constituted authority; and respond to those who hold that authority);

 - (b) Appropriate recognition for positive reinforcement for good conduct, self-discipline, and good citizenship;

 - (c) Pupil rights; and

 - (d) Sanctions and due process for violations of the Code of Pupil Conduct.

5. The district prohibits active or passive support for acts of harassment, intimidation, or bullying. Pupils are encouraged to support other pupils who:
 - (a) Walk away from acts of harassment, intimidation, and bullying when they see them;

- (b) Constructively attempt to stop acts of harassment, intimidation, or bullying;
- (c) Provide support to pupils who have been subjected to harassment, intimidation, or bullying; and
- (d) Report acts of harassment, intimidation, and bullying to the designated school staff member.

IV. Consequences and Remediation:

1. The Board of Education requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for pupils who commit one or more acts of harassment, intimidation, or bullying, consistent with the Code of Pupil Conduct, and the consequences and remedial responses for staff members who commit one or more acts of harassment, intimidation, or bullying.

The following factors, at a minimum, shall be given full consideration by school administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation, or bullying by pupils. Appropriate consequences and remedial actions are those that are graded according to the severity of the offense(s), consider the developmental ages of the pupil offenders and pupils' histories of inappropriate behaviors, per the Code of Pupil Conduct and N.J.A.C. 6A:16-7.

Factors for Determining Consequences

1. Age, developmental and maturity levels of the parties involved and their relationship to the school district;
2. Degrees of harm;
3. Surrounding circumstances;
4. Nature and severity of the behavior(s);
5. Incidences of past or continuing patterns of behavior;
6. Relationships between the parties involved; and
7. Context in which the alleged incidents occurred.

Factors for Determining Remedial Measures

Personal

1. Life skill deficiencies;
2. Social relationships;
3. Strengths;
4. Talents;
5. Traits;
6. Interests;
7. Hobbies;
8. Extra-curricular activities;
9. Classroom participation;
10. Academic performance; and
11. Relationship to pupils and the school district.

Environmental

1. School culture;
 2. School climate;
 3. Pupil-staff relationships and staff behavior toward the pupil;
 4. General staff management of classrooms or other educational environments;
 5. Staff ability to prevent and manage difficult or inflammatory situations;
 6. Social-emotional and behavioral supports;
 7. Social relationships;
 8. Community activities;
 9. Neighborhood situation; and
 10. Family situation.
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2. Consequences and appropriate remedial action for a pupil or staff member who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion of pupils, as set forth in the Board's approved Code of Pupil Conduct pursuant to N.J.A.C. 6A:16-7.1.

Consequences for a pupil who commits an act of harassment, intimidation, or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the pupil and the pupil's history of problem behaviors and performance, and must be consistent with the Board's approved Code of Pupil Conduct and N.J.A.C. 6A:16-7, Student Conduct.

Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim of the act, and take corrective action for documented systemic problems related to harassment, intimidation, or bullying. The consequences and remedial measures may include, but are not limited to, the examples listed below:

Examples of Consequences

1. Admonishment;
2. Temporary removal from the classroom;
3. Deprivation of privileges;
4. Classroom or administrative detention;
5. Referral to disciplinarian;
6. In-school suspension during the school week or the weekend;
7. After-school programs;
8. Out-of-school suspension (short-term or long-term);
9. Reports to law enforcement or other legal action;
10. Expulsion; and
11. Bans from providing services, participating in school-district-sponsored programs, or being in school buildings or on school grounds.

Examples of Remedial Measures - Personal

1. Restitution and restoration;
2. Peer support group;
3. Recommendations of a pupil behavior or ethics council;
4. Corrective instruction or other relevant learning or service experience;
5. Supportive pupil interventions, including participation of the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;

6. Behavioral assessment or evaluation, including, but not limited to, a referral to the Child Study Team, as appropriate;
7. Behavioral management plan, with benchmarks that are closely monitored;
8. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
9. Involvement of school disciplinarian;
10. Pupil counseling;
11. Parent conferences;
12. Alternative placements (e.g., alternative education programs);
13. Pupil treatment; or
14. Pupil therapy.

Examples of Remedial Measures – Environmental (Classroom, School Building or School District)

1. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation, or bullying;
2. School culture change;
3. School climate improvement;
4. Adoption of research-based, systemic bullying prevention programs;
5. School policy and procedures revisions;
6. Modifications of schedules;
7. Adjustments in hallway traffic;
8. Modifications in pupil routes or patterns traveling to and from school;
9. Supervision of pupil before and after school, including school transportation;
10. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
11. Teacher aides;
12. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
13. General professional development programs for certificated and non-certificated staff;
14. Professional development plans for involved staff;
15. Disciplinary action for school staff who contributed to the problem;

16. Supportive institutional interventions, including participation of the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
 17. Parent conferences;
 18. Family counseling;
 19. Involvement of parent-teacher organizations;
 20. Involvement of community-based organizations;
 21. Development of a general bullying response plan;
 22. Recommendations of a pupil behavior or ethics council;
 23. Peer support groups;
 24. Alternative placements (e.g., alternative education programs);
 25. School transfers; and
 26. Law enforcement (e.g., safe schools resource officer, juvenile officer) involvement or other legal action.
3. N.J.A.C. 6A:16-7.9(a)2.vi requires appropriate consequences and remedial actions for any staff member who commits an act of harassment, intimidation, or bullying of a pupil. The consequences may include, but not be limited to, verbal or written reprimand, increment withholding, legal action, disciplinary action, and/or termination. Remedial measures may include, but not be limited to, in or out-of-school counseling, professional development programs, and work environment modifications.

V. HIB Off School Grounds:

1. This Policy and the Code of Pupil Conduct shall apply to instances when a school employee is made aware of alleged harassment, intimidation, or bullying occurring off school grounds when:
 - (a) The alleged harassment, intimidation, or bullying has substantially disrupted or interfered with the orderly operation of the school or the rights of other pupils; and either
 - (b) A reasonable person should know, under the circumstances, that the alleged behavior will have the effect of physically or emotionally harming a pupil or damaging the pupil's property, or placing a pupil in

reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or

(c) The alleged behavior has the effect of insulting or demeaning any pupil or group of pupils; or

(d) The alleged behavior creates a hostile educational environment for the pupil by interfering with a pupil's education or by severely or pervasively causing physical or emotional harm to the pupil.

VI. HIB Reporting

1. The Vice-Principal's Office shall receive complaints alleging violations of this Policy. All Board members, school employees, and volunteers and contracted service providers who have contact with pupils are required to verbally report alleged violations of this Policy to the Vice-Principal or the Vice-Principal's designee on the same day when the individual witnessed or received reliable information regarding any such incident.
2. All Board members, school employees, and volunteers and contracted service providers who have contact with pupils, also shall submit a report in writing to the Vice-Principal within two school days of the verbal report. The Vice-Principal will inform the parents of all pupils involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services. The Vice-Principal, upon receiving a verbal or written report, may take interim measures to ensure the safety, health, and welfare of all parties pending the findings of the investigation.
3. A Board member or school employee who promptly reports an incident of harassment, intimidation, or bullying and who makes this report in compliance with the procedures set forth in this Policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

VII. HIB Investigations

1. The Vice-Principal or the Vice-Principal's designee is responsible for determining whether an alleged act constitutes a violation of this Policy. The Vice-Principal or designee shall conduct a prompt, thorough and complete investigation of the alleged incident. The Vice-Principal or designee will maintain a record of each investigation regarding allegations of harassment, intimidation, or bullying.
2. The Board requires a thorough and complete investigation to be conducted for each report of an alleged incident of harassment, intimidation, or bullying. The investigation shall be initiated by the Vice-Principal or the Vice-Principal's designee within one school day of the verbal report of the incident. The investigation shall be conducted by the school Anti-Bullying Specialist. The Vice-Principal may appoint additional personnel who are not school Anti-Bullying Specialists to assist the school Anti-Bullying Specialist in the investigation.
3. The investigation shall be completed and the written findings submitted to the Vice-Principal as soon as possible, but not later than ten school days from the date of the written report of the alleged incident of harassment, intimidation, or bullying. Should information regarding the reported incident and the investigation be received after the end of the ten-day period, the school Anti-Bullying Specialist or the Vice-Principal shall amend the original report of the results of the investigation to ensure there is an accurate and current record of the facts and activities concerning the reported incident.
4. The Vice-Principal shall proceed in accordance with the Code of Pupil Conduct, as appropriate, based on the investigation findings. The Vice-Principal shall submit the report to the Superintendent within two school days of the completion of the investigation and in accordance with the Administrative Procedures Act (N.J.S.A. 52:14B-1 et seq.). As appropriate to the findings from the investigation, the Superintendent shall ensure the Code of Pupil Conduct has been implemented and provide intervention services, order counseling, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, or take or recommend other appropriate action, as necessary.

5. The Superintendent shall report the results of each investigation to the Board of Education no later than the date of the regularly scheduled Board of Education meeting following the completion of the investigation. The Superintendent's report also shall include information on any consequences imposed under the Code of Pupil Conduct, intervention services provided, counseling ordered, training established or other action taken or recommended by the Superintendent.
6. Parents of the pupils who are parties to the investigation shall be provided with information about the investigation, in accordance with Federal and State law and regulation. The information to be provided to parents or guardians shall include the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether consequences were imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within five school days after the results of the investigation are reported to the Board of Education.
7. A parent or guardian may request a hearing before the Board of Education after receiving the information. When a request for a hearing is granted, the hearing shall be held within ten school days of the request. The Board of Education shall conduct the hearing in executive session, pursuant to the Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.), to protect the confidentiality of the pupils. At the hearing, the Board may hear testimony from and consider information provided by the school Anti-Bullying Specialist and others, as appropriate, regarding the alleged incident, the findings from the investigation of the alleged incident, recommendations for consequences or services, and any programs instituted to reduce such incidents, prior to rendering a determination.
8. At the regularly scheduled Board of Education meeting following its receipt of the report or following a hearing in executive session, the Board shall issue a decision, in writing, to affirm, reject, or modify the Superintendent's decision. The Board's decision may be appealed to the Commissioner of Education, in accordance with N.J.A.C. 6A:3, Controversies and Disputes, no later than ninety days after issuance of the Board of Education's decision.

VIII. Range of Responses

1. Consequences and appropriate remedial actions for a pupil who commits an act of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils and as set forth in N.J.A.C. 6A:16-7.2, Short-term Suspensions, N.J.A.C. 6A:16-7.3, Long-term Suspensions and N.J.A.C. 6A:16-7.5, Expulsions.
2. In considering whether a response beyond the individual level is appropriate, school officials shall consider the nature and circumstances of the act, the degree of harm, the nature and severity of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom, school building, school district) responses can range from school and community surveys, to mailings, to focus groups, to adoption of research-based harassment, intimidation or bullying prevention program models, to training for certificated and non-certificated staff, to participation of parents and other community members and organizations, to small or large group presentations for fully addressing the actions and the school's response to the actions, in the context of the acceptable pupil and staff member behavior and the consequences of such actions, and to the involvement of law enforcement officers, including safe schools resource officers.

IX. Reprisal and/or Retaliation Prohibited

1. The Board prohibits a Board member, school employee, contracted service provider who has contact with pupils, school volunteer, or pupil from engaging in reprisal, retaliation, or false accusation against a victim, witness, one with reliable information, or any other person who has reliable information about an act of harassment, intimidation, or bullying or who reports an act of harassment, intimidation, or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after

consideration of the nature, severity and circumstances of the act, in accordance with case law, Federal and State statutes and regulations and district policies and procedures.

2. All suspected acts of reprisal or retaliation will be taken seriously and appropriate responses will be made in accordance with the totality of the circumstances. Examples of consequences and remedial measures are listed in the Consequences and Appropriate Remedial Actions section of this policy.

X. Consequences and Appropriate Remedial Action for False Accusation

1. The Board prohibits any person from falsely accusing another as a means of harassment, intimidation, or bullying.
 - (a) Pupils - Consequences and appropriate remedial action for a pupil found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1 et seq., Discipline of Pupils and as set forth in N.J.A.C. 6A:16-7.2, Short-term Suspensions, N.J.A.C. 6A:16-7, Long-term Suspensions and N.J.A.C. 6A:16-7.5, Expulsions.
 - (b) School Employees - Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with pupils found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation could entail discipline in accordance with district policies, procedures, and agreements which may include, but not be limited to, reprimand, suspension, increment withholding, or termination.
 - (c) Visitors or Volunteers - Consequences and appropriate remedial action for a visitor or volunteer found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation could be determined by the school administrator after

consideration of the nature, severity, and circumstances of the act, including law enforcement reports or other legal actions, removal of buildings or grounds privileges, or prohibiting contact with pupils or the provision of pupil services.

XI. HIB Policy Dissemination

1. The HIB Policy will be disseminated annually to all school employees, contracted service providers who have contact with pupils, school volunteers, pupils, and parents who have children enrolled in a school in the district, along with a statement explaining the Policy applies to all acts of harassment, intimidation, or bullying, pursuant to N.J.S.A. 18A:37-14 that occur on school property, at school-sponsored functions, or on a school bus and, as appropriate, acts that occur off school grounds.
2. The HIB Policy will appear in the pupil handbook and all other publications of the school district that set forth the comprehensive rules, procedures, and standards within the district.
3. The HIB policy will be prominently displayed on the homepage of the district's website. The district will notify pupils and parents that the HIB Policy is available on the district's website.
4. The name, school phone number, school address, and school email address of the district Anti-Bullying Coordinator and district Anti-Bullying Specialist(s) shall be posted on the home page of the district's website.